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10 September 1970

MEMORANDUM FOR THE RECORD

SUBJECT: Personnel Management and Work Stoppages

1. On 9 September 1970 I attended a meeting of the Executive Officers Group at the Civil Service Commission to consider the subject of illegal work stoppages. A considerable amount of the discussion was not directly pertinent to Agency problems, but there are enough lessons in the field of personnel management to make it worthwhile to note some of the points.

2. On the strictly legal aspects, William D. Ruckelshaus, Assistant Attorney General, Civil Division, Department of Justice, stated that at the earliest warning of trouble indicating possible strike the agency should advise Justice and it will consult with the agency's General Counsel. He warned, however, that the courts were no panacea and, in fact, usually complicated and sometimes frustrated administrative action. At the present time a number of courts which have taken jurisdiction over the subject matter have ordered that there will be no sanctions against employees while the matter is before the courts, and this could go on for years.

3. The courts vary in their approach. Some take the hard-line position that everyone involved in the strike should be fired; some consider the no strike statute unconstitutional; some ask why the Government comes in asking for back-to-work injunctions when the people will be fired upon return to duty. Obviously there is a paradox involved. Justice and the Civil Service Commission are considering proposals to change

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